

UNITED STATES DISTRICT COURT

for the

District of South Carolina

IN RE FORCE PROTECTION, INC. DERIVATIVE
LITIGATION

)
)
) Civil Action No. 2:08-CV-1907-CWH
) Consolidated with Case Nos. 2:08-1904-CWH;
) 2:08-1998-CWH; 2:08-2019-CWH
)

SUMMARY JUDGMENT IN A CIVIL ACTION

The court has ordered that *(check one)*:

☐ the plaintiff *(name)* _____ recover from the defendant *(name)* _____ the amount of _____ dollars (\$___), which includes prejudgment interest at the rate of ____ %, plus postjudgment interest at the rate of ____ %, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant *(name)* _____ recover costs from the plaintiff *(name)* _____.

☒ other: summary judgment is entered in favor of Defendants John S. Day, John W. Paxton, Sr, Gale Aguilara, R. Scott Ervin, Nominal Defendant Force Protection Inc, Frank Kavanaugh, Gordon R. McGilton, Michael Moody, Michael S Durski, Raymond W. Pollard, Jack Davis and Roger G. Thompson, Jr against the derivative plaintiffs and the complaints in the consolidated actions are dismissed with prejudice.

This action was *(check one)*:

☐ tried by a jury, the Honorable _____ presiding, and the jury has rendered a verdict.

☐ tried by the Honorable _____ presiding, without a jury and the above decision was reached.

☒ decided by the Honorable C. Weston Houck, United States District Judge, on a motion for summary judgment.

Date: March 30, 2012

CLERK OF COURT

s/ Virginia Druce

Signature of Clerk or Deputy Clerk